

teaspoonful; 6 to 9 months, 1 teaspoonful; twelve or more months, 1½ teaspoonful. Repeat the dose every 3 to 4 hours if necessary", in that said statements were indicative that the preparation was a safe and appropriate remedy for infants and young children; whereas it was not since infants and young children are susceptible to poisoning from morphine, which was one of its ingredients. The article was alleged to be misbranded further in that the directions on the label and said circular, together with the picture on the circular of a baby, entitled "Kopp's Remedies for Babies and Children", were statements, designs, and devices regarding its curative or therapeutic effect and were false and fraudulent.

On April 9, 1937, no claimant having appeared, judgments of condemnation were entered and it was ordered that the product be destroyed.

H. A. WALLACE, *Secretary of Agriculture.*

**27265. Adulteration of alum boric douche powder and elixir of phenobarbital. U. S. v. Lynn C. Osincup and Frank Willard Osincup (CaPhenin Chemical Co.). Pleas of guilty. Fines, \$40 and costs. (F. & D. no. 37941. Sample nos. 23286-B, 23302-B.)**

This case involved alum boric douche powder that did not possess the antiseptic strength claimed, and elixir of phenobarbital that contained a smaller amount of phenobarbital than that declared on the label.

On April 14, 1937, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lynn C. Osincup and Frank Willard Osincup, copartners trading as the CaPhenin Chemical Co., at Waverly, Iowa, alleging shipment by said defendants in violation of the Food and Drugs Act on or about June 25 and July 10, 1935, from the State of Iowa into the State of Wisconsin of a quantity of alum boric douche powder and a quantity of elixir phenobarbital that were adulterated. The articles were labeled in part: "Alum Boric Douche Powder \* \* \* Antiseptic equivalent to 2% Phenol"; "Elixir Phenobarbital \* \* \* Each fluid ounce contains: Phenobarbital 2 Grs. \* \* \* CaPhenin Chemical Company, Waverly, Iowa."

The alum boric douche powder was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be an antiseptic douche equivalent to 2 percent of phenol when used as directed; whereas it was not an antiseptic douche equivalent to 2 percent of phenol when used as directed.

The elixir of phenobarbital was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since each fluid ounce of the article was represented to contain 2 grains of phenobarbital; whereas each fluid ounce contained less than 2 grains, namely, not more than 1.8 grains of phenobarbital.

On April 26, 1937, pleas of guilty were entered by the defendants and the court imposed fines of \$40 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

**27266. Adulteration and misbranding of elixir of terpin hydrate and codeine. U. S. v. Bernard Ulman (National Pharmaceutical Manufacturing Co.). Pleas of guilty. Fine, \$50 and costs. (F. & D. no. 38041. Sample no. 62889-B.)**

This product was sold under a name recognized in the National Formulary, but fell below the standard established by that authority and also below the standard declared on the label.

On April 16, 1937, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Bernard Ulman, trading as the National Pharmaceutical Manufacturing Co., Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act on or about April 7, 1936, from the State of Maryland into the District of Columbia of a quantity of elixir of terpin hydrate and codeine that was adulterated and misbranded. The article was labeled in part: "National Elixir Terpin Hydrate and Codeine (Elixir Terpin Hydratis Cum Codeinae) N. F. Alcohol 40% Each Fluidounce Represents, Codein 0.906 Gr. \* \* \* The National Pharmaceutical Mfg. Co. Baltimore, Md."

It was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, and differed from the standard of strength, quality, and purity as determined by the test laid down in the formulary official at the

time of investigation, since it contained in each 1,000 cubic centimeters not more than 1.17 grams of codeine (equivalent to 0.54 grains per fluid ounce), whereas the formulary provides that elixir of terpin hydrate and codeine shall contain in each 1,000 cubic centimeters not less than 2 grams of codeine, and its own standard of strength, quality, and purity was not declared on the container; and in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be elixir of terpin hydrate and codeine which conformed to the standard laid down in the National Formulary, and each fluid ounce of the article was represented to contain 0.906 grain of codeine, whereas it was not elixir terpin hydrate and codeine which conformed to the standard laid down in the formulary, and it contained in each fluid ounce less than 0.906 grain, namely, not more than 0.54 grain of codeine.

The article was alleged to be misbranded in that the statement, "Elixir Terpin Hydrate and Codeine \* \* \* N. F. \* \* \* Each Fluidounce Represents, Codeine 0.906 Gr.", borne on the bottle label, was false and misleading.

On May 20, 1937, the defendant entered a plea of guilty and the court imposed a fine of \$50 and costs.

H. A. WALLACE, *Secretary of Agriculture.*

**27267. Misbranding of Dr. Corley's Daily Health Broth, Dr. Corley's Cor-Lax, and Dr. Corley's Tooth Powder. U. S. v. Buren L. Corley (Dr. Corley's Products). Plea of guilty. Fine, \$270. (F. & D. no. 38048. Sample nos. 65262-B, 65263-B, 65264-B, 67028-B, 67029-B.)**

The labeling of these products contained false and fraudulent curative and therapeutic claims. The labeling of the Health Broth also contained false and misleading representations regarding its alkalinizing, neutralizing, and nutritional properties; and that of Cor-Lax contained a false and misleading representation that it was not a drug.

On March 9, 1937, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Buren L. Corley, trading as Dr. Corley's Products, San Francisco, Calif., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about January 13, 1936, from the State of California into the State of Washington of a shipment of each of the above-named products, and on or about January 25 and February 26, 1936, from the State of California into the State of Oregon of a quantity of the so-called "Health Broth" and a quantity of the Cor-Lax, all of which were misbranded. The articles were labeled in part: "Dr. Corley's Daily Health Broth [or "Dr. Corley's Cor-Lax"] Dr. Corley's Products—San Francisco"; "Dr. Corley's So Kleen Tooth Powder."

Analyses of samples of the articles showed that Cor-Lax consisted essentially of plant material including senna leaves, peppermint leaves, cascara bark, and fennel seed; that the tooth powder consisted essentially of calcium carbonate (81 percent), soap (11.2 percent), and sodium bicarbonate flavored with oil of wintergreen; and that the Health Broth consisted essentially of plant material including alfalfa leaf and stem, okra, tomato, capsicum, celery seed, onion, potato starch, starchy material (apparently from cereal), plant tissue resembling Irish moss, and small proportions of stem, leaf, and root tissues lacking in diagnostic tissue elements.

The articles were alleged to be misbranded in that certain statements, designs, and devices regarding their curative and therapeutic effects, appearing on the labels and in accompanying circulars, were false and fraudulent in the following respects:

The Health Broth was falsely and fraudulently represented to be effective as a health broth, and as an excellent treatment for any sick person; effective as a treatment, remedy, and cure for mineral and vitamin deficiency diseases such as stomach trouble, gas, ulcers, all digestive upsets, skin ailments, nervousness, tiredness, run-down conditions, depleted blood condition, fatigue, all forms of rheumatism, anemia, red nose, excess acid, indigestion, acid stomach, skin conditions, and sleeplessness; effective when used in connection with Dr. Corley's Cor-Lax, as a treatment, remedy, and cure for acidosis, cancer, gastritis (inflammation of the stomach), dyspepsia, fermentation, superacidity, acid stomach, asthma, auto-intoxication, biliousness, bronchitis, catarrhal troubles, gas, indigestion, high blood pressure, hay fever, liver and gall-bladder trouble, low blood pressure, rheumatism, skin eruptions, sinus trouble, tired, worn-out feeling, blotches, acne, poor appetite, nervous indigestion, rash, nervous